

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION

IN THE MATTER OF:
Pacer M Hibler
Sandy M Hibler
112 Watersfield Road
Leland, NC 28451

CASE NO.:
10-06482-8-JRL

SSNs: xxx-xx-5903
xxx-xx-0898

DEBTORS

CHAPTER 13

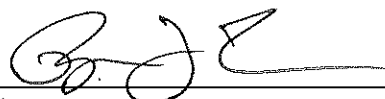
MOTION TO MODIFY CHAPTER 13 PLAN

NOW COME the Debtors, by and through their undersigned counsel, and move the Court for an Order modifying the Debtors' Chapter 13 Plan and show unto the Court as follows:

1. The Debtors' Chapter 13 Petition was filed on August 12, 2010.
2. The Section 341 Meeting was held on September 15, 2010.
3. The Debtors' Chapter 13 Plan was confirmed on November 15, 2010.
4. That the Trustee filed a Notice of Requirement to Modify Plan in order to pay the August, 2010 mortgage payment (attached hereto as Exhibit "A").
5. That the Debtor's plan shall be modified from \$1,788.00 for 1 month, then \$1,797.00 for 56 months to \$1,788.00 for 1 month, \$1,797.00 for 5 months, then \$1,825.00 for 54 months, with the \$1,825.00 payment beginning March 1, 2011.
6. The dividend to unsecured creditors will not be reduced by said modification from the amount scheduled at confirmation and satisfaction of the liquidation test will not be adversely affected in that the unsecured creditors will receive more than necessary to satisfy the liquidation test.
7. That this would be in the best interest of the Debtors, the Debtors' estate, and all parties in interest.

WHEREFORE, the undersigned prays the Court for an Order modifying the Chapter 13 Plan from \$1,788.00 for 1 month, then \$1,797.00 for 56 months to \$1,788.00 for 1 month, \$1,797.00 for 5 months, then \$1,825.00 for 54 months, with the \$1,825.00 payment beginning March 1, 2011.

This the 14 day of February, 2011.

A handwritten signature in black ink, appearing to read 'RJA', is written over a horizontal line.

Robert J. Anderson
NC State Bar No. 37992
GILLESPIE & MURPHY, P.A.
321 N. Front Street
Wilmington, NC 28401
rja@lawyersforchrist.com

STATE OF NORTH CAROLINA
COUNTY OF New Hanover

VERIFICATION

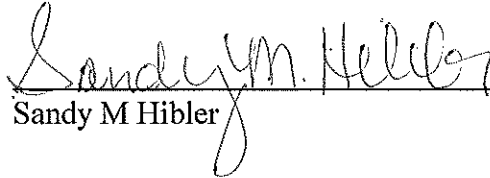
We, Pacer M Hibler and Sandy M Hibler, being first dully sworn, depose and say:

That they are the Debtors in the foregoing case; that they has read the MOTION TO MODIFY CHAPTER 13 PLAN and knows the contents thereof; that the same is true of their knowledge, except those matters therein stated upon information and belief and as they believe them to be true.

This the 14 day of February, 2011.

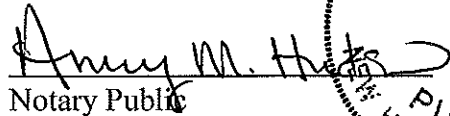
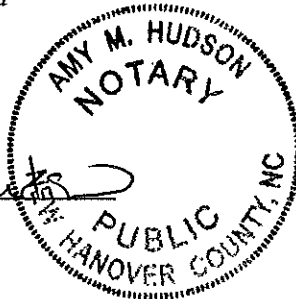


Pacer M Hibler



Sandy M Hibler

Sworn to and subscribed
before me this 14th
day of February
2011.


Notary Public

My Commission Expires:

11/12/11

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
WILMINGTON DIVISION

IN THE MATTER OF:
Pacer M Hibler
Sandy M Hibler
112 Watersfield Road
Leland, NC 28451

CASE NO.:
10-06482-8-JRL

SSNs: xxx-xx-5903
xxx-xx-0898

DEBTORS

CHAPTER 13

NOTICE OF MOTION

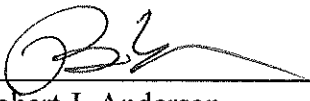
TO: All Parties In Interest

NOTICE IS HEREBY GIVEN of the Motion to Modify Chapter 13 Plan from \$1,788.00 for 1 month, then \$1,797.00 for 56 months to \$1,788.00 for 1 month, \$1,797.00 for 5 months, then \$1,825.00 for 54 months, with the \$1,825.00 payment beginning March 1, 2011; filed simultaneously herewith by the attorney for the movant in the above-captioned case; and

FURTHER NOTICE IS HEREBY GIVEN that if you fail to respond or otherwise plead or request a hearing in writing within 21 days from the date of this Notice, the relief requested in the Motion may be granted without further hearing or Notice; and

FURTHER NOTICE IS HEREBY GIVEN that if a response and a request for hearing is filed by the party named herein in writing within the time indicated, a hearing will be conducted on the Motion and response thereto at a date, time and place to be later set by this Court and all interested parties will be notified accordingly. If no request for a hearing is timely filed, the Court may rule on the Motion and response thereto ex parte without further notice.

DATE OF NOTICE: February 14, 2011


Robert J. Anderson
NC State Bar No. 37992
GILLESPIE & MURPHY, P.A.
321 N. Front Street
Wilmington, NC 28401
rja@lawyersforchrist.com

CERTIFICATE OF SERVICE

I, Robert J. Anderson, Attorney at Law certify:

That I am, and at all time hereinafter mentioned was, more than 18 years of age.

That on the 14 day of February, 2011, copies of the foregoing **NOTICE OF MOTION** were served upon the following by depositing the same in the United States mail, postage pre-paid, addressed as follows or by electronic notification as indicated:

Robert R Browning
Chapter 13 Trustee
P O Box 8248
Greenville, NC 27835

Kperry@browning-hill.com

USAA
Attn: Managing Agent
PO Box 829009
Dallas, TX 75382-9009

Certified Mail

Pacer M Hibler
Sandy M Hibler
112 Watersfield Road
Leland, NC 28451

See the attached matrix attached hereto.

I certify under penalty of perjury that the foregoing is true and correct.

DATED: February 14, 2011.


Robert J. Anderson

AT&T Universal Card
Attn: Managing Agent
PO Box 6500
Sioux Falls, SD 57117

Citi Financial
Attention: Managing Agent
PO Box 183041
Columbus, OH 43218-3041

Sams Club
Attention: Bankruptcy Department
PO Box 105968
Atlanta, GA 30353

AT&T Universal/Citi
Attn: Centralized Bankruptcy
PO Box 20507
Kansas City, MO 64195

Citifinancial Retail Services
Attn: Bankruptcy Dept
1111 Northpoint Dr
Coppell, TX 75019

Sears
Attention: Managing Agent
PO Box 6282
Sioux Falls, SD 57117-6282

Attorney General Child Support
Attn: Bankruptcy
PO Box 12017 Credit Group
Austin, TX 78711

Gillespie & Murphy
Attention: Managing Agent
PO Drawer 888
New Bern, NC 28563

USAA
Attn: Managing Agent
9800 Fredericksburg Rd.
San Antonio, TX 78288

Bank Of America
Attn: Bankruptcy NC4-105-03-14
PO Box 26012
Greensboro, NC 27410

HSBC Best Buy
Attn: Bankruptcy
PO Box 5263
Carol Stream, IL 60197

USAA
Attn: Managing Agent
P O Box 65020
San Antonio, TX 78265

Barclays Bank Delaware
Attn: Customer Support Department
PO Box 8833
Wilmington, DE 19899

IRS
Attn: Managing Agent
PO Box 21126
Philadelphia, PA 19114

USAA Federal Savings Bank
Attention: Managing Agent
PO Box 2005
Owensboro, KY 42302

Best Buy
Attn: Managing Agent
P O Box 15521
Wilmington, DE 19850

Kohl's
Attn: Managing Agent
PO Box 2983
Milwaukee, WI 53201

USAA Federal Savings Bank
Attention: Managing Agent
10750 Mcdermott Fwy
San Antonio, TX 78288

Chase
Attention: Managing Agent
PO Box 15298
Wilmington, DE 19850

Kohls
Attn: Recovery Dept
PO Box 3120
Milwaukee, WI 53201

USAA Federal SB
Attention: Managing Agent
4801 Frederica St
Owensboro, KY 42301

Chase
Attn: Managing Agent
PO Box 15298
Wilmington, DE 19850-5298

NC Dept of Revenue
Attn: Managing Agent
PO Box 25000
Raleigh, NC 27640-0640

USAA Savings Bank
Attention: Managing Agent
PO Box 47504
San Antonio, TX 78265

Citi
Attention: Managing Agent
PO Box 22060
Tempe, AZ 85285-2060

Sam's Club
Attention: Managing Agent
PO Box 530942
Atlanta, GA 30353-0942

Chapter 13 Office
Robert R. Browning, Trustee
P.O. Box 8248
Greenville, NC 27835
252-758-6530

RECEIVED
JAN 26 2011

To:

DATE: January 24, 2011

MR. ROBERT J. ANDERSON
ATTORNEY AT LAW
321 N. FRONT STREET
WILMINGTON, NC 28401

DEBTOR(S): PACER M. HIBLER
SANDY M. HIBLER

CASE NO: 10-06482-8-JRL

RE: MODIFICATION

Dear Mr. Anderson:

This Chapter 13 Plan must be modified to pay the secured claims as filed.

The following change is needed:

The plan payments need to be \$1825.00 for the remaining fifty four (54) months of the plan **beginning March, 2011.**

The new Plan needs to be: \$1788.00 @ 1 month, \$1797.00 @ 5 months, \$1825.00 @ 54 months.

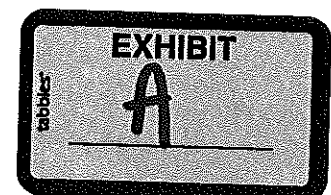
If a Motion to Modify, or an objection to the claim is not filed within twenty (20) days, the Trustee may move for a dismissal of the Chapter 13 Plan.

Thank you for your cooperation.

S/Robert R. Browning
Robert R. Browning, Chapter 13 Trustee

This modification does not affect any previous Consent Order or Motion to Dismiss for failure to make plan payments.

Cc: MR. AND MRS. PACER M. HIBLER
112 WATERSFIELD ROAD
LELAND, NC 28451



Debtor PACER HIBLER
 SSN: 451-91-5903
 Joint Debtor SANDY HIBLER
 SSN: 237-53-0898
 Attorney GILLESPIE & MURPHY, PA

Case Number 1006482
 Plan Date
 Chapter 13
 Court Location 278
 District 04174
 Judge 505

Budget Information	Monthly Income	Chapter 7 Liquidation Test	Base	0.00
Debtor	5,584.85	Estate Value	.00	Plan Unsecured
Joint Debtor	.00	Liens	.00	Est Total paid into Plan
Other	.00	Exemptions	.00	109,101.60
Total	5,584.85	Other Costs	.00	
Expenses	5,626.42	Required to Unsecured	0.00	
Balance	-41.57			
Avg Pay Abate	1,796.85	Min. Unsec Pay% .00 %		

SEE ALERTS

Est Months in Plan	60	<input type="checkbox"/> Override Claim Values	Fees	Balance	Paid at
Comp Percentage	3.00	Secured Total Due	98,369.76 <input checked="" type="checkbox"/>	0.00	100.00% 59
Expense Percentage	5.00	Priority Total Due	2,003.00 <input checked="" type="checkbox"/>	0.00	100.00% 1
Avg Monthly Payment	1,818.36	Unsecured Total Due	74,755.54 <input checked="" type="checkbox"/>	0.00	0.00%
Unsec Pay%	.00	Total Claims Due	175,128.30	0.00	
Pmts to Cont Claims	0.00				

These totals exclude continuous claims

1/24/11

1788X1

1797X5

1825X54 starting
March, 2011

To pay secured claims as filed

III. Claims Detail

Case Number: 1006482

Report Date: 1/13/2011

A. Priority and Specially Classified Unsecured Claims:

Creditor's Name	Amount Claimed	Proposed Principal Amount	Interest Rate	Term	Monthly Payment	Total
018 INTERNAL REVENUE SERVICE	.00	1.00	.00	60		1.00
019 NC DEPT OF REVENUE	.00	1.00	.00	60		1.00
022 TX C/S BANKRUPTCY REPORTING CONTACT	.00	1.00	.00	60		1.00
799 GILLESPIE & MURPHY, PA	2,000.00			60	33.33	2,000.00

Total Fix Pymnts: 33.33

Total Claimed Amount: \$ 2,000.00

Total Due Claims: \$ 2,003.00

B. Secured Claims: The following secured claims are known to the Trustee at this time and are treated as follows:

Creditor's Name	Amount Claimed	Proposed Principal Amount	Interest Rate	Term	Monthly Payment	Total
014 HSBC BANK NEVADA NA <i>BEST BUY 3558</i>	955.83	1,782.00	5.25	60		1,088.40
026 USAA (Outside) 9126	.00	.00	.00	60		.00
027 USAA <i>arrear 2007 Toyota</i>	323.72	324.68	.00	60		323.72
028 USAA <i>202 Mercury</i>	4,128.11	4,898.00	5.25	60		4,702.80
039 HSBC BANK NEVADA NA <i>BEST BUY 1438</i>	670.80	.00	5.25	60		764.40
900 US BANK <i>1520 91 @ 60 - ongoing</i>	91,254.80	91,254.60	.00	60	1,520.91	91,254.60
901 US BANK 5450	.00	.00	.00	60		.00
902 US BANK <i>prepetition arrears</i>	235.84	.00	.00	60		235.84

Total Fix Pymnts: 1,520.91

Total Claimed Amount: \$ 97,568.70

Total Due Claims: \$ 98,369.76

C. Unsecured Claims:

Creditor's Name	Amount Claimed	Proposed Principal Amount	Interest Rate	Term	Monthly Payment	Total
001 AT&T UNIVERSAL CARD	.00	.00	.00	60		.00
002 ECAST SETTLEMENT CORPORATION <i>CITIBANK 9549</i>	21,697.43	21,279.00	.00	60		.00
003 MIDLAND FUNDING LLC 4574	2,954.69	2,954.00	.00	60		.00
004 BARCLAYS BANK DELAWARE 9001	.00	3,662.00	.00	60		.00
005 BEST BUY	.00	.00	.00	60		.00
006 BEST BUY	.00	.00	.00	60		.00
007 BLANCA SANCHEX TORREZ	.00	.00	.00	60		.00
008 ECAST SETTLEMENT CORPORATION <i>CHASE 4264</i>	2,988.20	2,876.00	.00	60		.00
009 CHASE	.00	.00	.00	60		.00
010 NATIONAL CAPITAL MANAGEMENT 5095/5386	8,081.31	7,646.00	.00	60		.00

III, Claims Detail

10

Case Number: 1006482

Report Date: 1/13/2011

C. Unsecured Claims:

Creditor's Name	Amount Claimed	Proposed Principal Amount	Interest Rate	Term	Monthly Payment	Total
011 CITIFINANCIAL	.00	.00	.00	60		.00
012 CITIFINANCIAL	.00	.00	.00	60		.00
013 PRA RECEIVABLES MANAGEMENT LLC SAMS 6817	1,538.89	1,509.00	.00	60		.00
014 HSBC BANK NEVADA NA BEST BUY 3558	774.53	.00	.00	60		.00
015 HSBC BEST BUY 3558	.00	1,688.00	.00	60		.00
017 CHASE BANK USA NA KOHLS 2115	2,785.35	2,706.00	.00	60		.00
018 KOHLS	.00	.00	.00	60		.00
020 SAMS CLUB	.00	.00	.00	60		.00
021 PRA RECEIVABLES MANAGEMENT LLC SEARS 0359	2,539.35	1,954.90	.00	60		.00
023 US BANK	.00	.00	.00	60		.00
024 USAA	.00	.00	.00	60		.00
025 USAA	.00	.00	.00	60		.00
029 USAA FEDERAL SAVINGS BANK 1383	.00	6,991.00	.00	60		.00
030 USAA 2221	5,510.05	5,430.00	.00	60		.00
031 USAA FEDERAL SAVINGS BANK 8510	8,560.81	8,560.00	.00	60		.00
032 USAA SAVINGS BANK	.00	.00	.00	60		.00
033 USAA FEDERAL SAVINGS BANK	.00	.00	.00	60		.00
034 HSBC BANK NEVADA NA	.00	.00	.00	60		.00
035 OAK HARBOR CAPITAL LLC 3122	3,796.27	.00	.00	60		.00
036 OAK HARBOR CAPITAL LLC	.00	.00	.00	60		.00
037 MATTHEW T MCKEE	.00	.00	.00	60		.00
038 USAA	.00	.00	.00	60		.00
039 HSBC BANK NEVADA NA BEST BUY 1438	1,187.66	.00	.00	60		.00
040 PRA RECEIVABLES MANAGEMENT LLC	.00	.00	.00	60		.00

Total Fix Pymnts: 0.00

Total Claimed Amount: \$ 62,414.54

Total Due Claims: \$.00